

Meeting Date: 11/18/08

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-8



Date: October 28, 2008

To: City Manager for Council Action

From: Human Resources Division Manager

Subject: STIPULATIONS WITH REQUEST FOR AWARD FOR WORKERS' COMPENSATION CLAIMS (805374; 804278; 803915) – RETIRED POLICE OFFICER

EXECUTIVE SUMMARY:

Mr. Dennis Yoshida suffered various injuries while performing his regular job duties on June 7, 2001; September 22, 2004; and May 4, 2005.

This settlement represents Stipulations with Request for Award for these injuries. Future medical treatment is needed for all claims except the 2004 claim.

ADVANTAGES AND DISADVANTAGES OF ISSUE:


Approval will allow settlement of these claims when final approval has been obtained from the WCAB. Once settled, the cost of administering the claims is virtually eliminated except for future medical costs for the 2001 and 2005 claims.

ECONOMIC/FISCAL IMPACT:

Mr. Yoshida's 2001 claim is being settled with a permanent disability rating of 72%, which is payable in the sum of \$102,235.00 less \$7,348.00 in attorney fees and previous permanent disability payments (permanent disability benefits advanced to date total \$59,331.05). The claim for Mr. Yoshida's 2004 claim is being settled with a permanent disability rating of 1%, which is payable in the sum of \$800.00 less \$96.00 in attorney fees and previous permanent disability payments (permanent disability benefits advanced to date total \$640.00). Mr. Yoshida's 2005 claim is being settled with a permanent disability rating of 9%, which is payable in the sum of \$6,548.14 less \$786.00 in attorney fees and previous permanent disability payments (permanent disability benefits advanced to date total \$5,049.00). The City will be responsible for any future medical expenses he may have as a result of the 2001 and 2005 injuries.

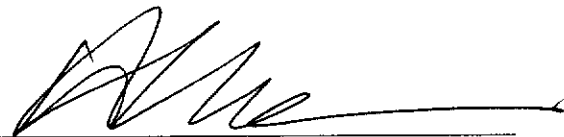
RECOMMENDATION:

That the Council approve these Stipulations with Request for Award, based on the recommendation of the City's Workers' Compensation legal counsel, to settle the claims for the injuries that Mr. Dennis Yoshida sustained on June 7, 2001; September 22, 2004; and May 4, 2005.



Greg Harris
Human Resources Division Manager

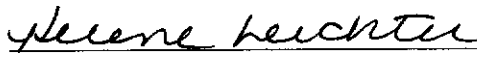
APPROVAL RECOMMENDED:



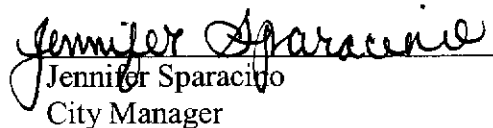
Alan Christenson
Acting Director of Human Resources

APPROVED as to Form:

APPROVED:



Helene Leichter
City Attorney



Jennifer Sparacino
City Manager

CITY OF SANTA CLARA

AGENDA MATERIAL ROUTE SHEET

Council Date: 11-18-08

SUBJECT: Approval of Attached Stipulations with Request for Award for Mr. Dennis Yoshida's Workers' Compensation claims

CERTIFICATION

The proposed _____
Regarding _____
has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

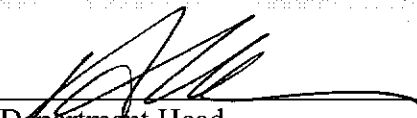
Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

City Code § _____

1. As to City Functions, by



Department Head

2. As to Legality, by

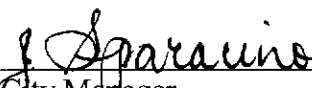


City Attorney's Office NO. 08.1531

3. As to Environmental
Impact Requirements, by

Director of Planning and Inspection

4. As to Substance, by



City Manager

Revision Date June 7, 2005